



**Community Development Block Grant Program**

301 W. High Street, Room 770

PO Box 118

Jefferson City, MO 65102

# STATUTORY CHECKLIST

**FINDING OF CATEGORICAL EXCLUSION [58.35(a)]**

**For State of Missouri CDBG-funded Projects**

<b>PROJECT NAME</b>	<b>CDBG PROJECT # (IF FUNDED)</b>
<b>RESPONSIBLE ENTITY [24 CFR 58.2(A)(7)(II)]</b>	
<b>CERTIFYING OFFICER NAME &amp; TITLE [24 CFR 58.2(A)(2)]</b>	

**CDBG STATUTORY CHECKLIST**

ESTIMATED TOTAL PROJECT COST, ALL SOURCES

AMOUNT OF CDBG ASSISTANCE PROPOSED

NAME OF GRANT SUB-RECIPIENT, IF APPLICABLE

CONTACT PERSON, ADDRESS, PHONE

RESPONSIBLE ENTITY PROJECT CONTACT NAME, ADDRESS, PHONE

**CONDITIONS FOR APPROVAL**, *as appropriate*: (List all mitigation and project modification measures adopted by the Responsible Entity to eliminate or minimize adverse environmental impacts. These conditions must be included in project contracts and all relevant agreement documents.) (Attach additional pages as necessary.)

[24 CFR 58.40(d), 40 CFR 1505.2(c)]

### **CDBG STATUTORY CHECKLIST**

In my capacity as Preparer of the Statutory Checklist, as designated by the Responsible Entity, I hereby attest that the Statutory Checklist document is true and complete to the best of my knowledge and supports the determination of Categorical Exclusion [58.35(a)].

PREPARER SIGNATURE

DATE

PREPARER NAME & TITLE

PREPARER'S AGENCY (IF DIFFERENT FROM RE)

In accordance with the provisions of 24 CFR 58.35(a), the Certifying Officer on behalf of the Responsible Entity cited below, has determined that the subject CDBG-assisted activity (or program) is Categorically Excluded from the National Environmental Policy Act of 1969 (NEPA), as amended, and Subject to the Related Part 58.5 Statutory Authorities.

In my capacity as Certifying Officer on behalf of the Responsible Entity and in conformance with 24 CFR Part 58, I have reviewed the attached CDBG Statutory Checklist prepared by the above-designated individual. I have independently evaluated the information contained within the Statutory Checklist, supplemented the information, where appropriate, and, on behalf of the Responsible Entity, remain responsible for the accuracy of the information contained therein. I hereby approve of the determination of Categorical Exclusion [58.35(a)] and Conditions For Approval as indicated:

RE APPROVING OFFICIAL SIGNATURE

DATE

RE APPROVING OFFICIAL NAME & TITLE

<b><u>CDBG STATUTORY CHECKLIST</u></b>
<p><b><u>Purpose of the Project:</u></b> [“Statement of Purpose and Need of the Proposal” – 40 CFR 1508.9(b)] (Attach additional pages as necessary.)</p>
<p><b><u>Existing Conditions and Trends:</u></b> Describe existing conditions of the project area and its surroundings, and the trends likely to continue in absence of the project. [24 CFR 58.40(a)] (Attach additional pages as necessary.)</p>

## **CDBG STATUTORY CHECKLIST**

### **HISTORIC PROPERTIES**

**(Historic Preservation Act 16 U.S.C. 470 & 36 CFR Part 800)**

- |   |                              |                             |
|---|------------------------------|-----------------------------|
| 1. Is any property in the project listed or is eligible for listing on the National Register of Historic Places?  | <input type="checkbox"/> YES | <input type="checkbox"/> NO |
| 2. Is any property in the project located within or directly adjacent to a historic property?   | <input type="checkbox"/> YES | <input type="checkbox"/> NO |
| 3. Are all activities, regardless of funding source, included for the review?<br><br>If no, forward additional information on all remaining activities to the SHPO for review, or if a tiered review, as activities and/or properties become known.   | <input type="checkbox"/> YES | <input type="checkbox"/> NO |
| 4. Could the project or undertaking have religious or cultural significance to an Indian tribe?   | <input type="checkbox"/> YES | <input type="checkbox"/> NO |
| 5. Has a reasonable good-faith effort been made to identify any Federally-recognized Indian tribes that may have an interest in the project or undertaking?   | <input type="checkbox"/> YES | <input type="checkbox"/> NO |
| 6. Is a cultural resource survey required as part of the Section 106 Review?<br><br>If yes, indicate the type required and date accepted.<br><br><input type="checkbox"/> Architectural Survey Completed – Date of SHPO acceptance letter: _____<br><br><input type="checkbox"/> Archaeological Survey Completed – Date of SHPO acceptance Letter: _____  | <input type="checkbox"/> YES | <input type="checkbox"/> NO |
| 7. Result of Section 106 Review:<br><br><input type="checkbox"/> No Historic Properties Affected - Date of SHPO Letter(s): _____<br><br><input type="checkbox"/> No Adverse Affect – Date of SHPO Letter(s): _____<br><br><input type="checkbox"/> No Adverse Effect With Conditions – List conditions: _____<br><br><input type="checkbox"/> Date of SHPO acceptance letter: _____<br><br><input type="checkbox"/> Adverse Affect - Project is either rejected or will require a Memorandum of Agreement (MOA) with the SHPO |                              |                             |

### **CDBG STATUTORY CHECKLIST**

8. MOA - Do terms of the MOA require that:

- ☐ All stipulations must be complete and approved by the SHPO prior to beginning any physical project activities  
  
(Remember to amend this page and attach documentation once SHPO acceptance is received.)
- ☐ Physical project activities may begin, but all stipulations must be approved by the SHPO prior to project close out
- ☐ MOA Stipulations Accepted by the SHPO – Date of SHPO letter: \_\_\_\_\_

9. Has compliance with SHPO been met?

☐ YES      ☐ NO

If no, explain why:

10. Check all source documentation applicable to this project and attach:

- ☐ SHPO Section 106 Project Information Form & Attachments
- ☐ Consultation correspondence (letters, e-mails, faxes, recorded phone calls)
- ☐ Cultural Resource Survey documentation
- ☐ MOA documentation completed and accepted by the SHPO
- ☐ SHPO Review letter(s) completed and accepted by the SHPO
- ☐ Other: \_\_\_\_\_

## **CDBG STATUTORY CHECKLIST**

### **FLOODPLAIN MANAGEMENT**

**(E.O. 11988, 24 CFR Part 55)**

1. Floodplain Management applies to projects involving ANY of the following - check all that apply to your project:

- ☐ Acquisition of land or buildings
- ☐ New Construction
- ☐ Substantial Rehabilitation, (i.e., modifications and improvements to buildings, where rehabilitation costs exceed 50% of the pre-rehabilitation value of the building or where residential density increases by more than 20%)
- ☐ Expanding the footprint of buildings or structures
- ☐ Infrastructure Improvements – Water, Sewer, Drainage, Roads, and Ditches
- ☐ Other activities affecting land use \_\_\_\_\_

2. Is the project located within a *100-year floodplain* or *designated floodway*? ☐ YES ☐ NO

If Yes, skip to #4. If No, go on to #3.

3. You have determined that your project is not located in a floodplain. Document your determination by completing the following:

Source Documentation: Attach the FEMA Firmette Map or Flood Insurance Rate Map and mark the site of the project location on the map.

Community Name/Number: \_\_\_\_\_

Map Panel and Date of Map Panel: \_\_\_\_\_

If the area has not been mapped, obtain the best information possible from one or more of the following qualified sources: (Check all sources used and attach all documentation received)

- ☐ Community Flood Administrator
- ☐ US Army Corps of Engineers
- ☐ US Geological Survey Maps
- ☐ USDA Natural Resources Conservation Service
- ☐ Regional Planning Commission/Regional Council of Government
- ☐ Local flood control or levee district
- ☐ Other \_\_\_\_\_

4. You have determined that your project is located in a floodplain/wetland. The HUD 8-Step Decision Making Process is required. Complete and attach the following 8-Step Decision Making form and all supporting documentation.

## **CDBG STATUTORY CHECKLIST**

### **HUD 8-STEP DECISION MAKING PROCESS**

(Decision Making Process Under E.O. 11988 and 24 CFR 55.20)

(Attach additional pages as necessary for any step in the process.)

#### **STEP 1 – Determine if the proposed action/project is located in a 100-year floodplain/wetland.**

Attach the FEMA Firmette Map or Flood Insurance Rate Map and complete the following:

Community Name/Number: \_\_\_\_\_

Map Panel and Date of Map Panel: \_\_\_\_\_

(Continue to Step 2)

☐ Check here if the area has not been mapped by FEMA, and continue below.

*If the area has not been mapped by FEMA*, obtain and attach the best information available from one or more of the following accepted sources (check all sources used):

- ☐ Community Flood Administrator
- ☐ US Army Corps of Engineers
- ☐ US Geological Survey Maps
- ☐ USDA Natural Resources Conservation Service
- ☐ Regional Planning Commission/Regional Council of Government
- ☐ Local flood control or levee district
- ☐ Other \_\_\_\_\_

#### **STEP 2 – Involve the public in the decision-making process.**

##### **Publish the Early Public Notice**

The Early Public Notice is a notice of the proposal to consider an action in the floodplain/wetland. The notice must be published in a non-legal section of the newspaper of widest circulation. *A 15-day comment period commences the day after publication.* If the RE receives any written comments, the RE must respond in writing and resolve any issues and provide copies CDBG. Attach a copy of the notice and the affidavit of publication to this form. (Early Public Notice, page IV-96)

Name of Newspaper: \_\_\_\_\_

Date of publication: \_\_\_\_\_



## CDBG STATUTORY CHECKLIST

**STEP 3 – Evaluate alternatives to locating the proposed action in a floodplain.**

Explain in detail each of the following to determine if the floodplain and/or wetland can be avoided:  
(Attach additional pages if necessary)

- a. Identify if alternative sites suitable for the project exist outside the floodplain/wetland:
- b. Identify if feasible alternative actions may be used to fulfill the identical project objective:
- c. Identify if threats to lives and property and/or adverse impacts on the floodplain/wetland *outweigh* the benefits of the proposed project:

## **CDBG STATUTORY CHECKLIST**

### **STEP 4 – Identify indirect and direct impacts associated with occupying or modifying the floodplain/wetland.**

If the RE determines the only practicable alternative for the project/action is occupying or modifying the floodplain/wetland, the impacts must be identified. If the RE determines that an alternative site for the project exists out of the floodplain/wetland, project activities may still have an impact on the nearby floodplain/wetland, and must also be identified to minimize harm.

Explain in detail how the project/activity will affect the floodplain/wetland with respect to each of the following types of impacts:

Positive or beneficial impacts, both direct and indirect:

Negative or harmful impacts, both direct and indirect:

Concentrated impacts – at or near the floodplain/wetland:

Dispersed or remote impacts occurring distant from the floodplain/wetland:

Short-term impacts to the floodplain/wetland (impacts that are temporary occurring immediately after an action lasting only a short while):

Long-term impacts to the floodplain/wetland (impacts that occur during or after an action that persist for considerable time or indefinitely):

## CDBG STATUTORY CHECKLIST

**STEP 5 – Identify mitigation measures to reduce impacts and preserve benefits of the floodplain/wetland.**

- a. How will actions be designed and modified to minimize harm to or within the floodplain/wetland?
- b. How will actions be designed and modified to restore and/or preserve as much of the natural and beneficial floodplain values as possible?

## **CDBG STATUTORY CHECKLIST**

### **STEP 6 – Re-evaluate alternatives identified in Step 3, taking into account all identified impacts and mitigation measures.**

a. Is it possible to modify or relocate the project/activity? Explain.

b. If there are no alternatives, should the project/activity occur? Explain.

## **CDBG STATUTORY CHECKLIST**

**STEP 7** – If the re-evaluation results in no practicable alternative to relocate the project out of the floodplain/wetland, the decision must be made public.

### **Publish the Notice of Explanation**

The Notice of Explanation must include reasons for locating the project/activity in the floodplain/wetland, all alternatives considered, and all mitigations measures planned.

The notice must be published in a non-legal section of the newspaper of widest circulation. *A 7-day comment period commences the day after publication.* If the RE receives any written comments, the RE must respond in writing and resolve any issues and provide copies CDBG. Attach a copy of the notice and the affidavit of publication to this form.

Name of Newspaper: \_\_\_\_\_

Date of publication: \_\_\_\_\_

### **STEP 8** – Implement the Project.

Project implementation can only proceed provided compliance has been demonstrated with respect to all of the prior steps and provided the project has been approved by the State in accordance with HUD regulation 24 CFR Part 58.

The Responsible Entity has a continuing responsibility to ensure that the mitigating measures identified in Step 7 are implemented. Mitigation measures must be incorporated, as appropriate, in project contracts and all related agreement documents.

## **CDBG STATUTORY CHECKLIST**

### **FLOOD INSURANCE**

**(The Flood Disaster Protection Act of 1973, 24 CFR 58.6)**

The threshold for flood insurance requirements is included in *The Flood Disaster Protection Act of 1973*, as amended, requiring property owners purchase flood insurance for buildings located within *Special Flood Hazard Areas (SFHA)*, when Federal financial assistance is used to acquire, repair, improve, or construct a building. Owners of HUD-assisted properties located within Special Flood Hazard Areas (SFHA) must purchase and maintain flood insurance protection as a condition of approval of any HUD financial assistance for proposed property acquisition, rehabilitation, conversion, repair or construction. Compliance with mandatory flood insurance purchase does not constitute compliance with floodplain management requirements discussed under Floodplain Management of this document.

Information on the location of SFHA's is available on Flood Insurance Rate Maps (FIRM) published by the Federal Emergency Management Agency (FEMA).

1. Does any portion of the project lie within a SFHA as determined by a FEMA Flood Insurance Rate Map? ☐ YES ☐ NO
  2. Does the Responsible Entity participate in the National Flood Insurance Program? ☐ YES ☐ NO
  3. Is the Responsible Entity in good standing with the National Flood Insurance Program? ☐ YES ☐ NO
  4. If the Responsible Entity is not in good standing with the NFIP or does not participate in the NFIP, and any portion of the project lies within a SFHA, flood insurance must be acquired and/or project modifications and/or alternatives required prior to the completion of any work, regardless of funding source, in order to comply with HUD and FEMA regulations, and CDBG program requirements. Contact CDBG for consultation.
  5. Is the Responsible Entity in compliance with National Floodplain Insurance Requirements? ☐ YES ☐ NO
- <http://www.hud.gov/offices/cpd/environment/review/floodinsurance.cfm> -HUD Flood Insurance  
<http://www.hud.gov/offices/cpd/environment/review/qa/floodinsurance.cfm> -Flood Insurance Q&A  
[http://www.fema.gov/plan/prevent/floodplain/How\\_the\\_NFIP\\_works.shtm](http://www.fema.gov/plan/prevent/floodplain/How_the_NFIP_works.shtm) - FEMA NFIP  
<http://www.fema.gov/cis/MO.pdf> - MO communities participating in the National Flood Program  
<http://sema.dps.mo.gov/NFIPContactList.pdf> - MO List of Floodplain Managers  
[http://msc.fema.gov/webapp/wcs/stores/servlet/info?storeId=10001&catalogId=10001&langId=-1&content=firnetteHelp\\_0&title=FIRMette%20Tutorial](http://msc.fema.gov/webapp/wcs/stores/servlet/info?storeId=10001&catalogId=10001&langId=-1&content=firnetteHelp_0&title=FIRMette%20Tutorial) – FEMA Map Service Center

#### **FEMA Region VII (NFIP Regional Office)**

Suite 3401 South Main Street  
Ottawa, KS 66067-2300  
(785) 242-1097 or -4799  
fax: (785) 242-4338

## **CDBG STATUTORY CHECKLIST**

### **WETLANDS PROTECTION**

**(E.O. 11990, 24 CFR Part 55)**

Executive Order 11990 requires all Federal agencies to avoid impacts to wetlands, including direct or indirect impacts, and to refrain from supporting construction in wetlands whenever there is a practicable alternative.

1. Compliance with Wetlands Protection applies to *Land Acquisition or Construction* associated with ANY of the following - check all that apply to your project:

- ☐ Buildings and structures
- ☐ Roads
- ☐ Sewer and water systems
- ☐ Storm drains and ditches
- ☐ Flood control systems
- ☐ Dredging, filling, excavation (includes rehabilitation to existing buildings and structures)
- ☐ Expansion or altering the footprint of buildings or structures

2. Review and attached Wetland maps if any of the above activities are involved in the project. Access acceptable maps from any of the following:

<http://wetlandsfws.er.usgs.gov/> - FWS Wetlands Mapper (National Wetlands Inventory)

<http://topozone.com/> - TopoZone webpage

<http://ims.missouri.edu/moims/step1.aoi/countylist.asp> - UMC GIS and Internet Mapping

3. The maps listed above are for preliminary screening purposes only. If any question still exists as to the potential wetland presence or the project area has not been mapped for wetlands, contact the USFWS, Army Corps of Engineers or NRCS to obtain a wetlands determination. A wetland determination is made in accordance with the Corps' 1987 Wetland Delineation Manual and can be performed by the following agencies or by a private consultant.

Submit cover letter with detailed project description, location of project including township, range and section, a clear and detailed map, and preferably color photographs of the area to:

U.S. Fish & Wildlife Service  
Columbia Ecological Services Field  
Charlie Scott, Field Supervisor or Rick Hanson  
101 Park DeVille Drive, Suite A  
Columbia, MO 65203-0057  
Phone: 573-234-2132

Additional assistance for wetland determinations may be obtained by contacting USDA Natural Resources Conservation Service (NRCS) and/or the US Army Corps of Engineers. Contact information for each of the agencies' regions is available in the CDBG Environmental Resource Manual.

### **CDBG STATUTORY CHECKLIST**

4. Is the project in a designated wetland as indicated by qualified sources? ☐ YES ☐ NO
- \*\* If it is determined that that project lies in a wetland/floodplain, you MUST comply with the HUD 8-Step Decision Making Process – Refer to the Floodplain Management section of this document for the required format.**

Is the HUD 8-Step Decision Making Process applicable? ☐ YES ☐ NO

If yes, attach all related documentation.

5. Permitting Requirements: The project may require a Section 404 Permit from the U.S. Army Corps of Engineers prior to any construction activities. If applicable, obtain the permit and attach.

Does the project require a Section 404 Permit? ☐ YES ☐ NO

If yes, attach all related documentation.

Check all source documentation applicable and attach:

- ☐ FWS Map(s)
- ☐ Maps from other qualified agencies
- ☐ Consultation correspondence (letters, e-mails, faxes, documented phone calls)
- ☐ HUD 8-Step Decision Making documentation
- ☐ FWS Clearance
- ☐ Other qualified agency clearance(s): \_\_\_\_\_
- ☐ 404 Permitting Information
- ☐ Other sources of documentation: \_\_\_\_\_



<b><u>CDBG STATUTORY CHECKLIST</u></b>
<b><u>COASTAL ZONE MANAGEMENT</u></b>
There are no Coastal Zones in Missouri.
<b>Compliance Documentation:</b> Print documentation from website or obtain from Environmental Resource Manual and <u>attach</u> . <a href="http://ocrm.nos.noaa.gov/czm/czmsitelist.html">http://ocrm.nos.noaa.gov/czm/czmsitelist.html</a>

## **CDBG STATUTORY CHECKLIST**

### **AIRPORT HAZARDS (Clear Zones and Accident Potential Zones)**

#### **24 CFR Part 51 Subpart D**

HUD funds may not be used for assistance, subsidy, or insurance for construction, land development, community development, or redevelopment designed to make land available for construction, or rehabilitation that significantly prolongs the life of existing facilities in designated Runway Clear Zones (RCZ) at civil airports or Clear Zones (CZ) at military airfields, except where written assurances are made that the project proposed for development will not be frequently used by people, and where written assurances are provided by the airport operator indicating no plans exist to purchase the property as part of a RCZ or CZ acquisition program.

If CDBG funds are proposed for development in proximity to these areas, documentation must be provided that the program will comply with requirements referenced above.

1. Do project activities, regardless of funding source, involve new construction, major rehabilitation, change of land use, increase in residential density, or acquisition of real property? ☐ YES ☐ NO
2. Is the project site located within 2,500 feet of the end of a civil airport runway or within 2 ½ miles from the end of a military airfield? ☐ YES ☐ NO
3. If the answer to either question is NO, compliance has been attained provided support documentation is attached.
4. If the answer to both questions is YES, documentation must be attached indicating compliance with 24 CFR Part 51 Sub-part D. Contact the applicable airport operator for dimensions of the affected zones and provide documentation that the project is located outside the affected zones.

List attached compliance documentation:

#### **Acceptable Compliance Documentation:**

Map showing project location in relation to airport/airfield:

1. <http://www.topozone.com> – TopoZone Maps
2. <http://ims.missouri.edu/moims/step1.aoi/countylist.asp> - CARES Interactive Maps – select “Transportation” map layer.

Related Compliance Documentation:

1. HUD Memo and list of Primary/Commercial Services Airports provided in the Environmental Resource Manual.
2. <http://www.airnav.com/airports/> - AirNav.com lists airport information by state.
3. <http://www.aircraft-charter-world.com/airports/northamerica/missouri.htm> - civil and military airports listed by state.

24 CFR Part 51 Sub-part D is contained in the Environmental Review Resource Manual

## **CDBG STATUTORY CHECKLIST**

### **ENDANGERED SPECIES**

#### **(Endangered Species Act (ESA), Section 7 - 50 CFR Part 402)**

The ESA mandates that Federally-assisted activities not jeopardize the existence of plants and animals that are listed or proposed for listing on the endangered species list. Activities proposed for areas harboring such species must avoid adversely modifying or destroying their habitat.

<http://www.fws.gov/endangered/esaall.pdf> - Endangered Species Act of 1973

**If the project involves acquisition, new construction, site clearance, or public infrastructure improvements contact the following agencies for review and clearance, and attach all related documentation.**

#### **U.S. Fish & Wildlife Service**

Columbia Ecological Services Field  
Charlie Scott, Field Supervisor or Rick Hanson  
101 Park DeVille Drive, Suite A  
Columbia, MO 65203-0057  
Phone: 573-234-2132

FWS Website: <http://www.fws.gov/endangered/listing/index.html>

#### **MO Department of Conservation (MODOC)**

Shannon Cave  
2901 W. Truman Blvd.  
PO Box 180  
Jefferson City, MO 65102  
573/522-4115, ext. 3250

MODOC Website: <http://mdcgis.mdc.mo.gov/heritage/> - Provides information to federal, state and local agencies, corporations and consultants about threatened and endangered species, and their habitats. The information should be obtained early in the planning process to design, locate and evaluate proposed projects so that environmental impacts may be avoided or reduced in order to help conserve Missouri's natural resources.

Contact the U.S. Army Corps of Engineers (USACE) regarding permitting when proposed projects involve activities in natural wetlands, streams, rivers, or reservoirs. Regional contact information is located in the Environmental Review Resource Manual or at the following websites:

<http://www.nwk.usace.army.mil/regulatory/boundary.htm> - Kansas City District Office

<http://www.nwk.usace.army.mil/regulatory/permitap.htm#general> – Permitting Information

<http://www.mvs.usace.army.mil/dinfo/mapdist.htm> - St. Louis District maps

The St. Louis District's boundaries are based on watersheds. If you are not sure if your project falls within our district after checking [our map](#) please e-mail our [Cartographer](#) with a legal description (Section, Township, and Range) or the Latitude and Longitude.

<http://www.mvs.usace.army.mil/permits/missouri.htm> - St. Louis contacts for permitting requirements

<b><u>CDBG STATUTORY CHECKLIST</u></b>
<b><u>Compliance:</u></b>
<b>Are mitigation measures required by any agency?</b> <input type="checkbox"/> YES <input type="checkbox"/> NO
If yes, explain the requirements, if they are feasible in relation to project goals and completion, description of the mitigation plan to address issues, if mitigation measures are required for completion prior to commencing any physical activity, etc: (Attach additional pages as necessary.)
<b><u>Check all source documentation applicable and attach:</u></b> <input type="checkbox"/> FWS clearance <input type="checkbox"/> MODOC clearance <input type="checkbox"/> Consultation correspondence (letters, e-mails, faxes, documented phone calls) <input type="checkbox"/> Permitting Information <input type="checkbox"/> Other sources of documentation: _____
<input type="checkbox"/> <b>Compliance has been met.</b>

## **CDBG STATUTORY CHECKLIST**

### **WILD AND SCENIC RIVERS**

**(Wild and Scenic Rivers Act of 1968, 36 CFR Part 297)**

The National Wild and Scenic River System was established to conserve the scenic, recreational, and fish and wildlife values of certain rivers. The Wild and Scenic Rivers Act applies to rivers or segments of rivers designated by Congress or States. Information may be found in the CDBG Environmental Resource Manual and at websites indicated below.

<http://www.nps.gov/rivers/wsract.html> - Wild & Scenic Rivers Act

<http://www.washingtonwatchdog.org/documents/cfr/title36/part297.html> - 36 CFR Part 297

#### **Compliance:**

**Assess whether or not any proposed actions will occur within one mile of a Wild or Scenic River.**

1. **Federally Recognized Wild and Scenic Rivers:** Missouri has one Federally recognized wild and scenic river, the *Eleven Point River*. Print the following website information and attach:  
<http://www.nps.gov/rivers/wsr-eleven-point.html> - The Eleven Point River

**Is the project site within one mile of the Eleven Point River?**

☐ YES    ☐ NO

- a. If no, attach the website information and check the box at the bottom of the page indicating that compliance has been met.
- b. If project activities occur within one mile of the river and may have the *potential* to adversely impact the river, contact the following and attach all related documentation:

**U.S. Fish & Wildlife Service**

Columbia Ecological Services Field

Charlie Scott, Field Supervisor or Rick Hanson

101 Park DeVille Drive, Suite A

Columbia, MO 65203-0057

Phone: 573-234-2132

**Are mitigation measures required by FWS?**

☐ YES    ☐ NO

If yes, explain the requirements, if they are feasible in relation to project goals and completion, description of the mitigation plan to address issues, if mitigation measures are required for completion prior to commencing any physical activity, etc:

☐ **Compliance has been met for Federally recognized wild and scenic rivers.**

## **CDBG STATUTORY CHECKLIST**

### **2. State Wild and Scenic Rivers:**

**The Nationwide Rivers Inventory (NRI)** is a list of free-flowing river segments in the United States believed to possess one or more "outstandingly remarkable" natural or cultural values judged to be of more than local or regional significance. Under a 1979 [Presidential directive](#), and related [Council on Environmental Quality procedures](#), all federal agencies must seek to avoid or mitigate actions that would adversely affect one or more NRI segments. The NRI is a source of information for statewide river assessments and federal agencies involved with stream-related projects.

<http://www.nps.gov/ncrc/programs/rtca/nri/states/mo.html> - National River Inventory, MO segments

**Is the project site within one mile of a State designated wild or scenic river?** ☐ YES ☐ NO

- a. If no, attach the website information and check the box at the bottom of the page indicating that compliance has been met.
- b. If project activities occur within one mile of the river and may have the *potential* to adversely impact the river, contact the following and attach all related documentation:

**National Park Service**  
Environmental Compliance  
Midwest Regional Office  
601 Riverside Drive  
Omaha, Nebraska 68102  
402-661-1848

**Are mitigation measures required by the National Park Service?** ☐ YES ☐ NO

If yes, explain the requirements, if they are feasible in relation to project goals and completion, description of the mitigation plan to address issues, if mitigation measures are required for completion prior to commencing any physical activity, etc:

☐ **Compliance has been met for State recognized wild and scenic rivers.**

## **CDBG STATUTORY CHECKLIST**

### **FARMLAND PROTECTION**

#### **(Farmland Protection Policy Act, 7 CFR 658)**

The purpose of the Farmland Protection Policy Act is to minimize unnecessary and irreversible conversion of farmland to non-agricultural uses.

This is NOT applicable to lands already in or committed to urban development or water storage.

This IS applicable to land designated as *prime* or *unique* agricultural lands by USDA Natural Resources Conservation Services, including forestland, pastureland and cropland.

#### **Compliance:**

Does the project involve new construction, acquisition or disposition of agricultural land, pasture or forested land that would result in development or conversion for non-agricultural use?

☐ No     Indicate current zoning classification/land use of proposed project site:

Describe the current land use of the project site and the surrounding or adjacent parcels for the project site. Explain compatibility of project activities with current land use. Attach support documentation for current zoning classification or land use and additional pages as necessary:

☐ Yes     Complete the *Farmland Conversion Impact Rating Form AD 1006* located in the Environmental Resource Manual or at the following website:  
[http://www.nrcs.usda.gov/programs/fppa/pdf\\_files/AD1006.PDF](http://www.nrcs.usda.gov/programs/fppa/pdf_files/AD1006.PDF) and submit to the USDA Natural Resources Conservation Services (NRCS) office *in your region*. Contact information for the NRCS office may be accessed at the following website or in the Environmental Resource Manual.  
[http://www.mo.nrcs.usda.gov/technical/soils/tss/out/nrcs\\_tss.jpg](http://www.mo.nrcs.usda.gov/technical/soils/tss/out/nrcs_tss.jpg)

Describe the outcome of the NRCS rating, any conditions or mitigation measures required, and the feasibility of these requirements in relation to project goals. Attach all related documentation:

#### **Related Website:**

<http://maproom.missouri.edu/> - UMC Cares Map Room

The map site listed above is for *preliminary screening purposes only*.

## **CDBG STATUTORY CHECKLIST**

### **NOISE CONTROL**

#### **(24 CFR Part 51, Sub-part B)**

The purpose of this regulation is to encourage suitable separation between noise sensitive land uses and major noise sources. The HUD Noise Regulation establishes standards, requirements, and guidelines regarding noise control and abatement for HUD assisted projects. If other funding sources are assisting the project and also require noise control, comply with the strictest noise standards.

1. Is the proposed project a noise sensitive land use, e.g. residential use, school, day care center, community center, library, hospital, nursing home, auditorium, health clinic, shelter, etc.? ☐ YES ☐ NO

2. Is the proposed project located within proximity of the following major noise sources? ☐ YES ☐ NO

If yes, check all that apply

- ☐ Within 1,000 feet of a major roadway (high volume traffic, heavy truck traffic, etc.)
- ☐ Within 3,000 feet of a railroad
- ☐ Within 15 miles of an airport
- ☐ Other significant noise sources (e.g. industrial/manufacturing facilities, power generating stations, etc.)

3. If #1 or #2 applies, a Noise Assessment is *required*. Refer to the 'HUD Noise Guidebook' at the website below. Contact CDBG if assistance is needed. Attach all related documentation.  
<http://www.hud.gov/offices/cpd/energyenvirom/environment/resources/guidebooks/noise/index.cfm>

4. If a Noise Assessment was required and completed, attach the assessment and indicate the outcome:

**Exterior Noise is determined:** (DNL = Day Night Average Sound Level)

- ☐ ACCEPTABLE - Noise is determined 65 DNL or less
- ☐ NORMALLY UNACCEPTABLE - Noise exceeds 65 DNL up to 75 DNL
- ☐ UNACCEPTABLE – Noise exceeds 75 DNL

5. If noise levels were determined NORMALLY UNACCEPTABLE:

- ☐ Noise attenuation activities are feasible to meet acceptable internal and external noise levels. Attach analysis of mitigation measures, including construction specifications.
- ☐ An alternative project site will be used.
- ☐ Noise attenuation activities are NOT feasible to meet acceptable internal and external noise levels and there are no alternative sites - the project is rejected.

6. If noise levels were determined UNACCEPTABLE:

- ☐ An alternative project site will be used.
- ☐ No alternative project site is available. The project is rejected.



## **CDBG STATUTORY CHECKLIST**

### **EXPLOSIVE AND FLAMMABLE OPERATIONS**

#### **(24 CFR Part 51 Sub-part C)**

HUD-assisted projects must be assessed for the presence of facilities that present an explosive or flammable hazard to project sites in an effort to prevent injury to occupants and damage to buildings from industrial accidents.

1. Does the proposed project involve any of the following *residential* activities: conversion of non-residential land to residential land use, rehabilitation where unit density is increased, new housing construction, or vacant buildings made habitable? ☐ YES ☐ NO
2. Does the proposed project entail institutional, recreational, commercial, or industrial use, including open spaces, where people may congregate? ☐ YES ☐ NO
3. If no to #1 or #2, document that no Explosive or Hazardous Operations are relevant to the project by attaching acceptable source documentation as indicated below.
4. If yes to #1 or #2, is there a facility with an aboveground storage tank(s) located within 1-mile, or within sight of the project site? (Look for stationary hazardous facilities that store, handle, or process chemicals or petrochemicals of an explosive or flammable nature such as liquid propane, gasoline, or other volatile substances.) ☐ YES ☐ NO

If yes, the Acceptable Separation Distance (ASD) must be determined. Refer to the 'Siting of HUD-Assisted Projects Near Hazardous Facilities Guidebook' at the website below. Contact CDBG if assistance is needed. Attach all related documentation.

<http://www.hud.gov/offices/cpd/energyenviron/environment/resources/guidebooks/hazfacilities/index.cfm>

#### **Acceptable Sources of Information:**

- Local fire marshal, fire department, or fire prevention agencies
- City, county, or project engineer
- Private property owners operating aboveground tanks
- Documented visits of site and surrounding area, accompanied by photographs
- Current aboveground tank inspection reports
- Current aerial photographic map
- Current U.S.G.S. topographic map
- Survey land use maps

## **CDBG STATUTORY CHECKLIST**

### **WATER QUALITY**

#### **Water Supply and Ground Water**

##### **(Safe Drinking Water Act of 1974, Clean Water Act,)**

The Safe Drinking Water Act (SDWA) protects public health by regulating the nation's public drinking water supply. The law requires many actions to protect drinking water and its sources: rivers, lakes, reservoirs, springs, and ground water wells. SDWA does not regulate private wells which serve fewer than 25 individuals. SDWA applies to every public water system in the U.S.

<http://www.epa.gov/safewater/sdwa/index.html> - Safe Drinking Water Act of 1974

<http://www.epa.gov/r5water/cwa.htm> - Clean Water Act

1. Is there an existing municipal or public water supply adequate to serve the project? ☐ YES ☐ NO

Is the water supply safe and free of contamination? ☐ YES ☐ NO

Explain and attach inspection reports, letters, and/or documented telephone calls from the Public Water Supply District or comparable source.

2. Will any waterways be affected by the project? ☐ YES ☐ NO

Documentation: Explain and locate and identify on a map, any rivers, lakes, streams, or other water bodies that may receive effluent discharges from the project site that could impact potable water.

Attach any other documentation from qualified sources.

3. Does the project entail any of the following activities: acquisition of undeveloped land, change of land use or new construction? ☐ YES ☐ NO

If yes, will the project draw water from a Sole Source Aquifer? ☐ YES ☐ NO

Print and attach supporting documentation. EPA-designated sole source aquifers are listed at:

<http://www.epa.gov/OGWDW/swp/ssa/reg7.html>

4. Will the project involve drilling a well? ☐ YES ☐ NO

If yes, is the location subject to rapid water withdrawal problems that will change the depth of the water table? ☐ YES ☐ NO

Documentation: Attach county health department inspection reports, letters and/or documented telephone calls.

5. Will the project use a private well for its water supply? ☐ YES ☐ NO

If yes, has the source been tested and free of contamination? ☐ YES ☐ NO

Are there septic systems present on or around the project site and have they been properly installed and maintained? ☐ YES ☐ NO

Contact the DNR Public Drinking Water Program before construction begins on any public water supply well to determine if it is a non-community or community supply, and if an engineer is required to evaluate the supply.

Documentation: Explain and attach recorded site visits, documented conversations with property owners, county health department.

#### **For Further Information:**

<http://www.dnr.mo.gov/env/wrc/surfh2o.htm>

<http://www.dnr.mo.gov/env/wrc/groundwater/gwnetwork.htm> - DNR - Ground Water

<http://www.dnr.mo.gov/env/wrc/welltypes.htm> - DNR - Water Wells

<http://cfpub.epa.gov/surf/locate/index.cfm> - EPA - Locate Your Watershed

## **CDBG STATUTORY CHECKLIST**

### **AIR QUALITY**

**(Clean Air Act 42 U.S.C. 7400 Section 176 & 171, 40 CFR Parts 6, 51, 93)**

#### **Federal, State and Local Compliance**

1. Is the project located in an EPA-designated non-attainment or maintenance area for one or more of the six criteria pollutants regulated under the Clean Air Act? ☐ YES ☐ NO

Print and attach support documentation from the following EPA website:

<http://www.epa.gov/oar/oaqps/greenbk/anc1.html#MISSOURI>

If yes, a determination of conformity with the State Implementation Plan (SIP) is required with respect to the proposed project and the specific pollutant for which the area was designated a non-attainment or maintenance area. Contact the EPA Regional Office to determine if the proposed project is one that requires a permit under the SIP. If yes, obtain a letter of consistency from the agency showing that the project is consistent with the SIP and attach all correspondence.

2. Does the project require installation and/or operating permits, or an indirect sources permit, in accordance with the Clean Air Act? ☐ YES ☐ NO

<http://www.dnr.mo.gov/forms/> - DNR Permitting

3. Will the project comply with local pollution control agency rules, including the generation of dust during construction activities? ☐ YES ☐ NO

4. Provide information indicating whether or not the project could establish a trend, which if continued, would lead to violation of air quality standards in the future, and what mitigation measures are needed to minimize the affects. Consider the sources, types, and amounts of air emissions that could be generated by the finished project once operation commences, and mitigation necessary to minimize air emissions to meet compliance.

#### **Indoor Air Quality**

Provide information on the sources and types of air emissions that could affect indoor air quality after construction, including asbestos, radon, and mold.

1. Asbestos: Does the project have the potential to disturb any friable asbestos containing building materials (ACBM)? ☐ YES ☐ NO

If yes, compliance with DNR asbestos regulations is required. Attach all supporting documentation.

<http://www.dnr.mo.gov/alpd/apcp/Asbestos.htm> - DNR – Asbestos Requirements

<http://www.epa.gov/ttn/atw/hlthef/asbestos.html> - EPA - Asbestos Information

### **CDBG STATUTORY CHECKLIST**

2. **Radon:** Does the project entail construction or major rehabilitation of any type of building that will be used for residential purposes or frequent occupancy of people (e.g., commercial store, industrial facility, library, community facility). ☐ YES ☐ NO
- If yes, and the project is existing construction, a radon test must be conducted and the test results attached. Do the test results indicate radon levels in excess of 4 picocuries (A picocurie is a unit of measure for levels of radon gas (pCi)? ☐ YES ☐ NO
- <http://www.epa.gov/radon> - EPA Radon
- <http://www.epa.gov/radon/zonemap/missouri.htm> - EPA - Radon in Missouri
3. **Mold:** Does the project entail rehabilitation of any building having existing evidence of mold on any building component or interior moisture-related problem, including roof leaks or moisture in and around the interior foundation or crawl space? ☐ YES ☐ NO
- If yes, describe how the mold will be eliminated and the construction measures to be taken to eliminate source(s) of mold-inducing moisture inside the structure.
- <http://www.epa.gov/mold/moldresources.html> - EPA - Mold
4. **Noxious Odors or Fumes:** Provide information on potential odors emissions and mitigation required to minimize off-site migration of noxious odors or fumes.

## **CDBG STATUTORY CHECKLIST**

### **CONTAMINATION AND TOXIC MATERIALS**

#### **(HUD Policy on Site Contamination [Sec. 58.5(i)(2)])**

HUD-assisted project sites *must* be free of contamination and chemicals where a hazard could affect the health and safety of occupants or conflict with intended use of the property. Particular attention should be given to sites located on or in proximity to landfills, industrial sites, gas stations, and other locations with the *potential* to contain contaminants. If property acquisition is proposed in the project, investigations must be completed and resolved prior to the transfer of property.

Identify Site Contamination: (Acceptable documentation: historical property data, site inspections, ASTM Phase I Site Assessment and, if applicable, Phase II and Phase III Assessments, other recent environmental studies, documentation from DNR and EPA staff)

1. What were the previous uses of the site (historical research of property, information from prior land owners, deed, title, easements, liens, aerial photographs, etc.)?

2. Assess and explain the potential for contamination and types of contaminants on and around the property:

Groundwater (drinking water, water for commercial food crops, etc.):

Air (vapors, gases, radon, airborne dust, asbestos, mold and other particulates, etc.):

Soil (dust, soil, outdoor recreational areas, school grounds, fill dirt, etc.):

3. Has a *current* ASTM Phase I Site Assessment been completed by a qualified professional? (Generally, a Phase I is considered current for 180 days) ☐ YES ☐ NO

Date of Phase I completion: \_\_\_\_\_

## CDBG STATUTORY CHECKLIST

4. If a Phase I Site Assessment was completed, answer the following: (Attach the assessment) <input type="checkbox"/> NA	
a. Does contamination exist or is suspected to exist?	<input type="checkbox"/> YES <input type="checkbox"/> NO
b. Will contaminants affect the health and safety of the occupants or conflict with the intended use of the site?	<input type="checkbox"/> YES <input type="checkbox"/> NO
c. Is a Phase II Assessment recommended?	<input type="checkbox"/> YES <input type="checkbox"/> NO
5. If a current Phase I Assessment has not been completed, determine if it is needed. A Phase I Site Assessment is <u>strongly</u> recommended if the <i>potential</i> for contamination exists: <input type="checkbox"/> NA	
a. Is the project site an EPA Superfund (CERCLA) site or within 1 mile of a Superfund Site? (print and attach web documentation) <a href="http://www.epa.gov/superfund/sites/locate/index.htm">http://www.epa.gov/superfund/sites/locate/index.htm</a> - EPA Superfund Sites	<input type="checkbox"/> YES <input type="checkbox"/> NO
b. Have hazardous substances, pollutants, or contaminants been stored or dumped on the project site? (Document how determination was made.)	<input type="checkbox"/> YES <input type="checkbox"/> NO
c. Is the project site near an industry or in an industrial area that disposes chemicals and/or hazardous waste? (Document how determination was made.)	<input type="checkbox"/> YES <input type="checkbox"/> NO
d. Is the project site located within 3,000 feet of a toxic or solid waste landfill site? (Document how determination was made)	<input type="checkbox"/> YES <input type="checkbox"/> NO
e. Does the project site contain, or is it adjacent to, aboveground or underground storage tanks? (Document how determination was made)	<input type="checkbox"/> YES <input type="checkbox"/> NO
f. If tanks are present, contact DNR and attach documentation. Have any tanks been identified by DNR as leaking?	<input type="checkbox"/> YES <input type="checkbox"/> NO
6. If a Phase II Assessment was recommended, has it been completed? <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> NA	
7. Was a Phase II Assessment completed on the project site prior to this proposed project? <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> NA	
If yes, attach the assessment.	
Date Phase II Assessment completed: _____	
8. Does contamination exist at the project site? <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> NA	

### **CDBG STATUTORY CHECKLIST**

9. If contamination exists at the project site, is it feasible to perform clean up of the property – (Phase III Assessment)? (Consider the extent of contamination, if adequate funds are available for cleanup activities, if the timeframe for cleanup is compatible with timeline for project completion, etc.) ☐ YES ☐ NO ☐ NA

10. Is a Phase III Assessment required and completed? ☐ YES ☐ NO  
If yes, attach the assessment.

11. Are there conditions for environmental approval? ☐ YES ☐ NO  
If yes, explain.

**Hazardous Waste information may be found in the CDBG Environmental Resource Manual and at the following websites:**

<http://www.epa.gov/epaoswer/hazwaste/id/id.htm> - EPA Identifying Hazardous Waste

<http://www.epa.gov/epaoswer/hazwaste/ldr/resource.htm#hazwaste> – EPA – Hazardous Waste Handlers Databases

<http://www.dnr.mo.gov/env/hwp/index.html> - MD DNR Hazardous Waste Program

<http://www.epa.gov/radon/> - EPA Radon

<http://www.epa.gov/radon/zonemap/missouri.htm> - EPA - Radon in Missouri

<http://www.epa.gov/mold/moldresources.html> - EPA - Mold

<http://www.astm.org/cgi-bin/SoftCart.exe/index.shtml?E+mystore> - Association for Standards and Testing Methods (ASTM)

## **CDBG STATUTORY CHECKLIST**

### **ENVIRONMENTAL JUSTICE**

**(E.O. 12898)**

The purpose of Executive Order 12898 is to direct Federal agencies to identify and address as appropriate “disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations and low-income populations”. Generally, this applies to low-income and minority neighborhoods where HUD-assisted projects are proposed for acquisition of existing housing, acquisition of land for development, change in land use, demolition, major rehabilitation, and new construction. At a minimum, Environmental Justice should address the consideration of actual and potential environmental impacts to people of low-income and minority status as a result of the proposed project, mitigation measures to minimize adverse impacts as much as practicable within the principles of the Executive Order. It is imperative that consistency is maintained throughout the project.

1. **Indicate the zoning classification of the project site and immediate area.** (Acceptable support documentation includes maps, photographs, and description of the project and surrounding areas)

2. **Explain the opportunities for public involvement in decision making.** (Acceptable support documentation includes council/commission meeting or other public meeting minutes from public hearings indicating discussions and decisions throughout the life of the project, newspaper articles describing the project, project alternatives considered, etc.)

3. Is the proposed project located in or around a low-income or minority neighborhood? ☐ YES ☐ NO

4. Indicate all potential and actual environmental impacts, both positive and negative, regarding low-income and minority persons, as a result of the proposed project.

5. Explain all mitigation measures planned to minimize adverse environmental impacts.

**Environmental Justice information may be found in the CDBG Environmental Resource Manual and at the following websites:**

<http://www.epa.gov/compliance/environmentaljustice/> - EPA – Environmental Justice

[http://epa.gov/compliance/resources/policies/ej/exec\\_order\\_12898.pdf](http://epa.gov/compliance/resources/policies/ej/exec_order_12898.pdf) - E.O. 12898

<http://www.hud.gov/offices/cpd/energyenviron/environment/subjects/justice/index.cfm> - HUD Environmental Justice Webpage

<http://www.hud.gov/offices/cpd/energyenviron/environment/subjects/justice/acomitmenttocommunities.pdf> - HUD - Environmental Justice Implementation Report